

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1453 of 1999

Between:

V.S.V.Siva Sai Krishna formerly known as V.S.V.Krishna Sastry,
S/o Srinivasa Sastry, 26 years,R/o Quarter AE/1, Somasila Project Colony, Nilagiri
Sangam, Dargamitta, Nellore Town.

..... PETITIONER

AND

- 1 The Commissioner of Government Examinations, Govt. of A.P.,
Hyderabad.
- 2 The Board of Secondary Education, rep. by its Secretary,
Andhra Pradesh, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order passed by the 1st respondent in his proceedings Rc.No.G/D.30/4/98 dt:29-8-98 signed on 31-8-98 rejecting the petitioner's application for change of his name as "Vajapeyajula Sri Venkata Siva Sai Krishna" instead of "Vajapayajula Sri Venkata Krishna Sastry" though the petitioner followed the due procedure prescribed under G.O.(P) NO.819 General Administration (General-C) Department dated 8-12-1977 as illegal, arbitrary, unjust and violative of the G.O.(P) No.819 General Administration (General-C) Department dt:8-12-1977 and set aside the same and consequently direct the respondents to change the name of the petitioner in all educational certificates including Secondary School Certificate (SSC) with Role No.0425593 dt:10-8-1987 and pass such other or order or orders as deemed fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner:MR.P.SRIDHAR REDDY

Counsel for the Respondent No.: GP FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

The present writ petition is filed questioning the proceedings of the first respondent dated 29-8-1998 rejecting the petitioner's application for change of his name as "Vajapeyajula Sri Venkata Siva Sai Krishna".

Petitioner, a student of Post Graduate course, took a decision to change his name as "Vajapeyajula Sri Venkata Siva Sai Krishna" and filed an application before the District Magistrate, Nellore. Considering the same, the Revenue Divisional Officer, issued proceedings in Dis No. 1948/97 dated 17-6-1997 in Annexure –II. Accordingly, the petitioner got published a private advertisement in the A.P. Gazette on

4-9-1997. Thereafter, he submitted an application to the first respondent on 26-8-1998 requesting to change his name in his Secondary School Certificate. The first respondent vide impugned proceedings dated 31-8-1998 rejected the request of the petitioner. Hence, the present writ petition.

A counter affidavit was filed on behalf of the respondents. It is stated that instructions are printed in the bottom of original Secondary School Certificate that "*any correction in the certificate will not be entertained after (3) years from the date of issue*". That the petitioner having passed the SSC examination in April, 1987 has approached for correction of his name in the year 1998 after lapse of 12 years. It is further stated that G.O. Ms. 1263 Education Department dated 6-5-1961 prescribe the procedure for correction of date of birth and entries relating to name, surname, father's name, caste, religion etc.

Learned Government Pleader for School Education, submits that there is no provision to change the name in the Secondary School Certificate and that as per Section –C clause (2) the affected persons are permitted keep a copy of the notification published in A.P.Gazette with regard to change, when ever the said certificate is presented before any authority. Section –C of the said Government Order reads as under:

SECTION –C : Rules for correction of the entries relating to the name, surname, father's name, caste, relation, etc., in completed secondary

school leaving certificate or Higher Secondary Certificate or Higher Secondary (M.P) Certificates.

1.. No application shall be entertained by the Government or any Officer of the Education Department for the correction of the entries relating to name, father's name, caste, religion, etc., in the compelted Secondary School Leaving Certificates or Higher Secondary Certificates/ or Higher Secondary (M.P) Certificates, unless it be for the correction of obviously absurd entries or clerical mistakes committed in the school or office of the Education Department.

2.. *The person affected may, however, arrange to notify at his or her own cost, any such change of name, father's name, caste or religion in the A.P.Gazette and shall keep a copy of the notification in the concerned certificate.*

3.. *No correction need, however, be made in the certificates or the school records as a result of the notification referred to in rule 2 above.*"

In view of clause (2) and (3) of Section C of G.O. Ms. No. 1263 dated 6-5-1961, that the concerned affected person shall keep a copy of the notification in the concerned certificate and no correction need be made in the certificates or the school records, the only direction that can be given in the present case is to direct the petitioner to keep a copy of the Gazette publication changing his name along with his SSC certificate, whenever he submits the said certificate before the authorities concerned.

Subject to above observation, the writ petition is disposed of. No costs.

N.V.RAMANA,J

27-06-2005

tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Commissioner of Government Examinations, Govt. of A.P.,
Hyderabad.
- 2 The Secretary, Board of Secondary Education,
Andhra Pradesh, Hyderabad.

3) 2 CD copies

*Form-NIC-OGS/WP{**MSKM**}*